

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JAMES MCCREARY, #1370831	§	
VS.	§	CIVIL ACTION NO. 6:11cv559
JEFFERY RICHARDSON	§	

ORDER OF DISMISSAL

Plaintiff James McCreary, an inmate confined in the Texas prison system, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Second Report and Recommendation concluding that Defendant Richardson's motion for summary judgment should be granted. Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Second Report and Recommendation (docket entry #31) is **ADOPTED**.
It is further

ORDERED that the Defendant Richardson's motion for summary judgment (docket entry #27) is **GRANTED** and the complaint with respect to Plaintiff's federal claims is **DISMISSED** with prejudice pursuant to Fed. R. Civ. P. 56. Plaintiff's supplemental state claims are **DISMISSED** without prejudice, and Plaintiff is free to refile his state claims in state court. It is finally

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

It is SO ORDERED.

SIGNED this 24th day of May, 2012.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE